

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/22/2020

Water Permit 47-7610

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES V GIUFFRE , ZZ
Original Owner	SUSAN M DAVIS , ZZ

Status: Lapsed

Source

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECEIVED
MAY 21 1985
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 23 1985

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

James V. Giuffre'
(Name)

of 10945 Janie Road, Boise, Idaho 83703
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7610.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before May 1, 1985.

That he has heretofore performed the following work described under said permit: _____

No work has been done! Plans have been developed for the storage project.

The pipeline route and reservoir site have been surveyed. Rights of way have been obtained.

Costing \$ 6000.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Project was proposed as an alternative to the Canyon View Irrigation Co. project to bring water to this land. Since the Canyon View project may still be developed, we have not gone ahead with development of our own project under 47-7610.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to May 1, 1990.

x

James V. Giuffre'
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the proof of beneficial use is extended to May 1, 1990. IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to January 15, 1980, pursuant to Section 42-218a, Idaho Code and that the Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Signed this 21st day of October, 1985.

J. Glen Saxton
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

received #1500 5-24-85 #36533

47-7610

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
App. for Permit	47-7610	Susan M. Davis	20 cfs
Assignment	47-7610	Doug J. Marshall	20
Full Assignment	47-7610	James V. Giuffre	20 cfs 1350 AF

RECEIVED

JUN 10 1985

Department of Water Resources
Southern District Office

RECEIVED
MAY 21 1985

RECEIVED

RECEIVED
MAY 23 1985

Department of Water Resources
Southern District Office

State of Idaho
JUN 10 1985
Department of Water Administration
Department of Water Resources
ASSISTANT SOUTHERN DISTRICT OFFICE

Department of Water Resources

Doug J. Marshall

hereby assign to James V. Giuffre'

of 10945 Janie Road, Boise, Idaho 83703

Address

12
11
10
9
8
7
6
5
4
3
2
1

/XX/ All my right, title, and interest, in and to Permit No. 47-7610 to appropriate the public waters of the State of Idaho.

L. / The following described portion of my right title, and interest in and to Permit No. to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this 15th day of May 1985

Doug J. Marshall
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 16th day of May, 1985, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

My commission expires: Sep

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

APR 2 1981

Department of Water Resources
Southern District Office

I, Susan M. Davis, hereby assign to Doug J. Marshall
of 185 Blair Drive, Twin Falls, Idaho 83301
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7610
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 4th day of March, 19 81.

Susan M. Davis
Permit Holder

Albert G. Davis
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 4th day of March, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

seal

John L. Rasmussen
Notary Public residing at
Twin Falls, Idaho

My commission expires:
July 22, 1982

47-7610

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
MAY 20 1980
Department of Water Resources
Southern District Office

APPROVED

Department of Water Resources
Southern District Office

1. Name of applicant Susan M. Davis Phone 734 5699
 Post office address Box 411, Twin Falls, Ida. 83301
2. Source of water supply Salmon Falls Creek which is a tributary of SNAKE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 10S
 Range 13E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 20 cfs for Diversion To Storage purposes from Sept 1 to June 1 (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount 1350 AF for Storage for Irrigation purposes from JAN 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount 675 AF for Irrigation from Storage purposes from Mar 15 to Nov 15 (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 20 cubic feet per second and/or b. 1350 acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Existing pumps, pipelines and ditches, and buried pipeline.

- b. Height of storage dam ~15 feet, active reservoir capacity 675 acre-feet; total reservoir capacity 675 acre-feet, materials used in storage dam: earth and plastic

Period of year when water will be diverted to storage Sept 1 to June 1 inclusive.
 (Month/Day) (Month/Day)

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: E 1/2 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 Township 9S
 Range 13E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Storage for Irrigation

47-7610

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	13E	21							20	40	20			30	40	40	40	40	270

Total number of acres to be irrigated 270

c. Describe any other water rights used for the same purposes as described above.

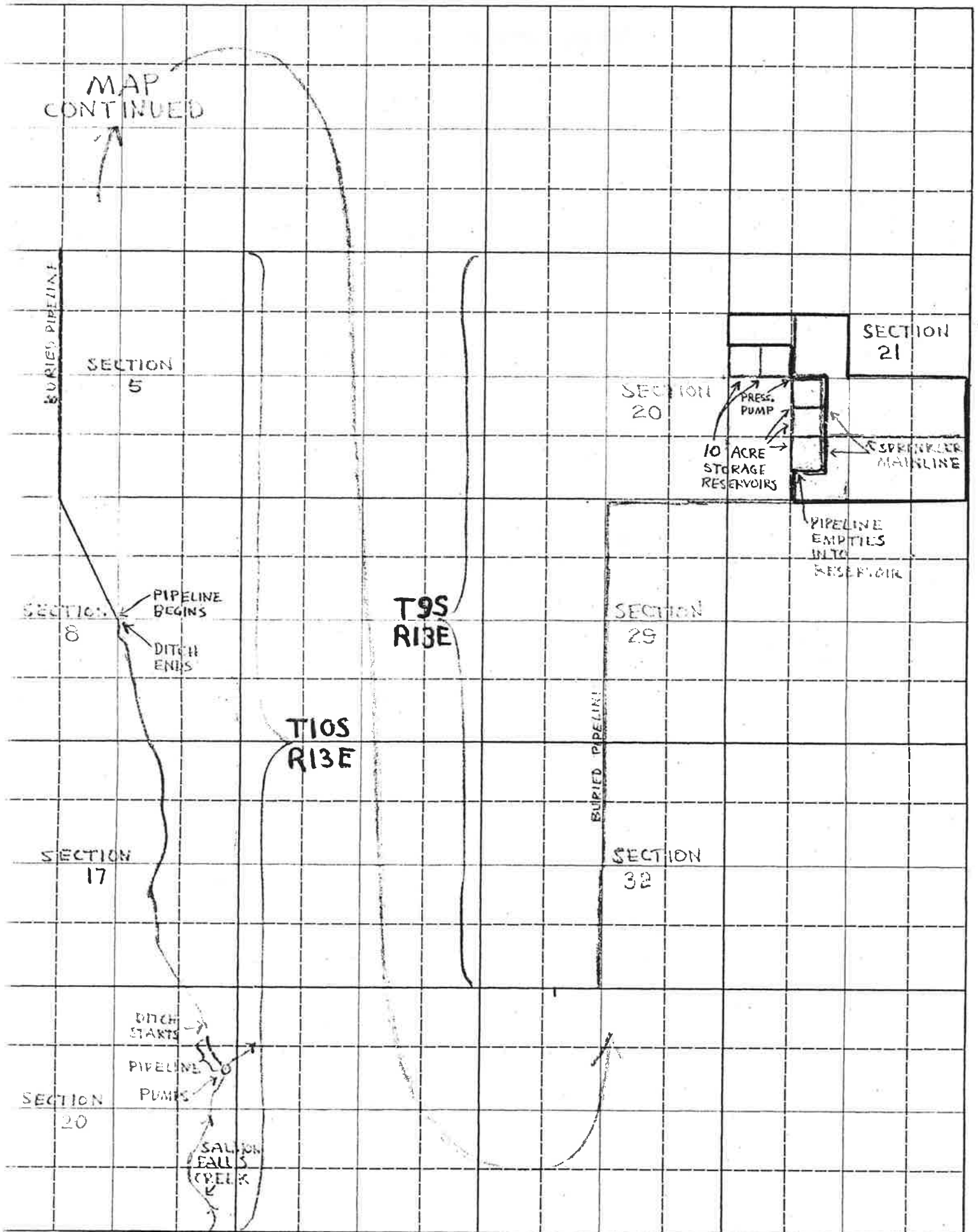
9. a. Who owns the property at the point of diversion Ken Marshall and Wayne Marshall
- b. Who owns the land to be irrigated or place of use U.S. government
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The subject 320 acres is an allowed Desert Entry Filing no. I-2585(943)in the name of Susan M. Davis.

10. Remarks

This application is made on the basis of "off-season" pumping through existing pumps in Salmon Falls Creek along with storage reservoirs on the subject property.

Existing water rights will have priority. The water being applied for is not being used and is excess water during the off-season for irrigation.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Susan M. Davis
(Applicant)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

1. Approval of said application is subject to the following limitations and conditions:

- Witness my hand this _____ day of May, 19 80.

Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)

OF APPLICATION FOR PERMIT NO. 47-7610 IN)

MEMORANDUM DECISION

THE NAME OF SUSAN M. DAVIS)

AND ORDER

On December 26, 1979, Susan M. Davis filed with the Department of Water Resources an application for permit to appropriate the waters of Salmon Falls Creek.

The application proposed to divert 20 cubic feet per second of water by pump during the period between September 1 and June 1 and to store 1,350 acre-feet in an off-stream reservoir year-round and divert 780 acre-feet per year to irrigation use from storage between March 15 and November 15.

The water is to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 10S, Rge. 13E, Twin Falls County.

Notice of the application was published in the Twin Falls Times News on January 17 and 24, 1980. On February 4, 1980, a protest against the application was received from Robert and June Ring. This protest was subsequently withdrawn by the protestants on March 14, 1980. An additional protest was received from Magic Water Co. on February 7, 1980. Issues raised in the protest of Magic Water Company are as follows:

- 1) Is the water supply sufficient for the purpose intended?
- 2) Will the existing water rights be injured by the decrease in the back storage caused by the lower stage of the creek during the spring runoff?
- 3) Is the application made in good faith and not for delay or speculation?
- 4) Does the applicant have sufficient financial resources to complete the proposed project?

On May 9, 1980, the parties stipulated to waive a hearing and to allow the Department of Water Resources to issue a decision in the matter.

Based upon his understanding of the law and upon the records of the Department, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- 1) The protest filed by Magic Water Company was received by the Department three (3) days after the final date for filing protests.
- 2) Published stream flow records for Salmon Falls Creek near its confluence with the Snake River show for the years 1970 through 1977 that 11,621 acre-feet per

month was the average discharge during the months of September through May.

3) This applicant has also filed Desert Land Entry No. I-2585 (943) with the Bureau of Land Management on the land which is sought to be irrigated.

4) The pumping plant which is proposed to be used to divert water to storage under this application is in place and has been used for several years to divert water under other rights during the irrigation season. The pumping plant has a capacity of approximately 27 cubic feet per second.

5) Protestant, Magic Water Company, Inc. has License No. 47-2269 for 94.56 cubic feet per second of water from Salmon Falls Creek with a priority of February 11, 1953. This water is diverted during the irrigation season.

6) Diversions from Salmon Falls Creek in the reach concerned are under the control of Watermaster of State Water District No. 47-C.

CONCLUSIONS OF LAW

1) The protest of Magic Water Company, Inc. was not timely filed, however, the issues raised are those that must be considered by the Director of the Department of Water Resources in reaching a decision.

2) Unappropriated water is available in Salmon Falls Creek during the period of time the applicant proposes to divert water to storage.

3) The amount of water diverted to storage is a small proportion of the total flow during the winter and, therefore, will not decrease the bank storage along the stream.

4) Applicant is entitled to a permit to appropriate the quantity of water requested subject to all prior rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 47-7610 is APPROVED subject to the following conditions:

1) Diversion of water under this permit is subject to all prior water rights.

2) Diversion of water under this permit shall be subject to the control of the Watermaster of State Water District No. 47-C.


3) The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the Dam Safety Provisions of the Idaho Code.

4) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

5) A measuring device capable of recording the total volume of water diverted shall be installed and maintained as part of the diversion works.

6) Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before May 1, 1985.

Dated this 22 day of May, 1980.


C. STEPHEN ALLRED
Director